

## **Text of Proposed Emergency Regulations**

**This text repeals all changes made in OAL File No. 03-1211-01 EON. Deleted text is indicated by ~~striketthrough~~ or ~~striketthrough underline~~ and added or amended text is indicated by underline.**

**Sections 3044(d), (e), (f), (g) and (h) are amended to revert back to existing text prior to emergency file No. 03-1211-01 EON.**

**Section 3044 is amended to read:**

**Section 3044. Inmate Work and Training Incentive Groups.**

**Subsections (a) through (c) are unchanged.**

(d) Privilege Group A:

**Subsection (d)(1) through (d)(3)(F) is unchanged.**

**Subsection (d)(3)(G) through (H) is amended to read:**

(G) The receipt of four special ~~personal property~~ packages, 30 pounds maximum weight each, per year, exclusive of special canteen purchases.

(H) Special canteen purchases as provided for by local institution/facility. ~~Condemned Grade A inmates shall be afforded the same property privileges as inmates assigned to Privilege Group A.~~

(e) Privilege Group B:

**Subsection (e)(1) through (e)(3)(F) is unchanged.**

**Subsection (e)(3)(G) through (H) is amended to read:**

(G) The receipt of four special ~~personal property~~ packages, 30 pounds maximum weight each, per year, exclusive of special canteen purchases.

(H) Special canteen purchases as provided for by local institution/facility.

(f) Privilege Group C:

**Subsection (f)(1) through (f)(3)(E) is unchanged.**

**Subsection (f)(3)(F) through (G) is amended to read:**

(F) No special ~~personal property~~ packages.

(G) No special canteen purchases.

(g) Privilege Group D:

**Subsection (g)(1) through (g)(4)(E) is unchanged.**



**Subsection (g)(4)(F) through (G) is amended to read:**

(F) May be permitted to receive ~~acquire~~ one special ~~personal property~~ package, not to exceed 30 pounds maximum weight, per year, ~~exclusive of special purchases. Eligibility to acquire a personal property package commences one year after date of Privilege Group D assignment.~~

(G) One special canteen purchase of one television or one radio or one radio/TV combination unit. ~~Condemned Grade B inmates shall be afforded the same property privileges as inmates assigned to Privilege Group D.~~

(h) Privilege Group U:

**Subsection (h)(1) through (h)(3)(E) is unchanged.**

**Subsection (h)(3)(F) through (G) is amended to read:**

(F) No special canteen purchases.

(FG) No special personal property packages.

**Subsection (i) is unchanged.**

NOTE: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2935, 5005, 5054 and 5068, Penal Code; *Thompson v. Enomoto*, 915 F.2d 1383(9<sup>th</sup> Cir. 1990), and *In re Monigold*, 205 Cal.App.3d 1224 (1988).

**Section 3092 is amended to revert back to existing text prior to emergency file No. 03-1211-01 EON.**

**Existing Section 3092 is relocated back from Subchapter 2, Article 9, Section 3190(e) and (f).**

**Section 3092. Special Inmate Canteen Purchases.**

(a) Facilities shall establish procedures for inmate purchase of approved personal property items not stocked in the canteen. The canteen manager or designated staff shall ensure approved catalogs and order forms are available to inmates in qualifying privilege groups.

(b) The amount charged an inmate for a special purchase shall include normal taxes and a 10% service charge based upon the purchase price. Service charges shall be deposited in the inmate welfare fund. Exception: The 10% service charge shall not be added to purchases of medical appliances, correspondence courses, nonfiction books, and legal materials.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5006 and 5054, Penal Code.

**Section 3138 is amended to revert back to existing text prior to emergency file No. 03-1211-01 EON.**

**Section 3138 is amended to read.**

**Section 3138. General Mail Regulations.  
Subsections (a) through (c) are unchanged.**



**Subsection (d)(1) is amended to read:**

**(d) Packages.**

(1) Facilities will establish and make available to all inmates procedures for the receipt of packages from their correspondents ~~via departmentally approved vendors~~ in accordance with limits set for their assigned inmate work/training incentive group. Such procedures may require an inmate to obtain prior approval to receive a package. Facilities may refuse to accept packages addressed to an inmate if prior approval has not been obtained, or if a package is received at a facility, ~~the~~ A facility may refuse to deliver the package ~~if to~~ the inmate ~~is not qualified to receive the package,~~ and dispose of the package as provided in subsection 3147(a)(65) without the need to hold the package pending appeal as provided in subsection 3147(a)(5)(B). ~~If the package is in excess of the 30 pound limit, or is damaged, the package shall be returned to the vendor at the vendor's expense.~~

**Subsections (d)(2) through (g) are unchanged.**

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601, 4570, and 5054 Penal Code; *Procunier v. Martinez*, 416 U.S. 396 (1974); and *Bell v. Wolfish*, 99 S. Ct. 1861 (1979).

**Section 3190 is amended to revert back to existing text prior to emergency file No. 03-1211-01 EON.**

**Section 3190 is amended to read:**

**Section 3190. General Policy.**

**Subsection (a) is amended to read:**

(a) Wardens and superintendents shall establish a list of personal property items and the maximum amount of such items an inmate may have in his or her possession within the institution. Institutions shall permit inmates shall be permitted to possess in their living quarters/living area, in addition to state-issued property items issued to an inmate, and authorized personal property items based upon privileges in section 3044 and subject to disciplinary provisions in sections 3314 and 3315 that present no threat to institution security or the safety of persons.

**Subsection (b) is unchanged.**

**Subsection (c) is amended to read:**

(c) All institutions housing male inmates shall provide all other institutions and the director with no less than two copies of the institution's current list of allowable inmate personal property. Upon an inmate's transfer between institutions of the department, the sending institution shall administer inventory the inmate's property and, pursuant to section 3191, ensure the proper disposition, of property not allowed at the receiving institution ~~as a result of privilege group changes.~~

**Subsection (d) is deleted:**



~~(d) Inmates may acquire authorized personal property packages based upon their privilege group, pursuant to section 3044. Personal property packages may be ordered by inmates or their correspondents via a departmentally approved vendor. All packages shall be shipped to the inmate's institution/facility by the departmentally approved vendor in a sealed container.~~

**Subsections 3190(e) and (f) are deleted and the text from existing Section 3092 is relocated back to Subchapter 2, Article 9.**

**~~Section 3092. Special Inmate Canteen Purchases.~~**

~~(ea) Facilities Inmates shall be allowed establish procedures for inmate special purchases of approved authorized personal property items from departmentally approved vendors not stocked in the canteen. The canteen manager institution head or designated staff shall ensure approved vendor catalogs and order forms are available to inmates in qualifying privilege groups. Special purchases shall only include the following:~~

~~—(1) Health Care Appliances, subject to prescription by a physician and approval by designated custody staff, and shall be excluded from the six cubic foot limitation.~~

~~—(2) Correspondence Courses, subject to approval by supervisor of correctional education programs and designated custody staff.~~

~~—(3) Religious Items, subject to approval by institutional chaplain and designated custody staff.~~

~~—(4) Handicraft Material, pursuant to Penal Code 2601, and subject to approval by handicraft manager and designated custody staff.~~

~~—(5) Legal Material, including legal reference material, books, and legal pads not available in the institution canteen.~~

~~—(6) Entertainment Appliances and Musical Instruments, subject to qualifying privilege group.~~

~~—(7) Purchase of books and subscriptions to periodicals, subject to section 3006.~~

~~(fb) The amount charged an inmate for a special purchase or personal property package shall include normal taxes and a 10% service charge based upon the purchase price. Service charges shall be deposited in the inmate welfare fund. EXCEPTION: The 10% service charge shall not be added to purchases of medical health care appliances, correspondence courses, nonfiction books, religious items, and legal materials.~~

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601(c)(2), 5006 and 5054, Penal Code; and *in re Alcala*, Marin County Superior Court, No. 117925, December 20, 1984.



## **Text of Proposed Emergency Regulations**

**In the following text, underlining indicates adopted or amended text; and strikethrough indicates deleted or relocated text.**

**Section 3006 is amended to read:**

### **3006. Contraband.**

Inmates may possess only the personal property, materials, supplies, items, commodities and substances, up to the maximum amount ~~quantity~~, received or obtained from authorized sources, as permitted in these regulations ~~the institution's procedures~~. Possession of contraband as defined in section 3000 may result in disciplinary action and confiscation of the contraband.

**Subsections 3006 (a) through (d) are unchanged.**

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601, 2772, 2790, 4574, 5054 and 5057, Penal Code.

**Section 3044 is amended to read:**

### **3044. Inmate Work and Training Incentive Groups.**

**Subsections 3044(a) through (c) are unchanged.**

(d) Privilege Group A:

**Subsection 3044(d)(1) through (d)(3)(F) is unchanged.**

**Subsection 3044(d)(3)(G) through (H) is amended to read:**

(G) The receipt of four ~~special~~ personal property packages, 30 pounds maximum weight each, per year, exclusive of special ~~canteen~~ purchases.

~~(H) Special canteen purchases as provided for by local institution/facility.~~

(e) Privilege Group B:

**Subsection 3044(e)(1) through (e)(3)(F) is unchanged.**

**Subsection 3044(e)(3)(G) through (H) is amended to read:**

(G) The receipt of four ~~special~~ personal property packages, 30 pounds maximum weight each, per year, exclusive of special ~~canteen~~ purchases.

~~(H) Special canteen purchases as provided for by local institution/facility.~~



(f) Privilege Group C:

**Subsection 3044(f)(1) through (f)(3)(E) is unchanged.**

**Subsection 3044(f)(3)(F) through (G) is amended to read:**

(F) No ~~special~~ personal property packages.

~~(G) No special canteen purchases.~~

(g) Privilege Group D:

**Subsection 3044(g)(1) through (g)(4)(E) is unchanged.**

**Subsection 3044(g)(4)(F) is amended to read:**

(F) ~~May be permitted to receive~~ The receipt of one special personal property package, not to exceed 30 pounds maximum weight, per year, exclusive of special purchases as provided in Section 3190. Inmates shall be eligible to acquire a personal property package after completion of one year of Privilege Group D assignment.

**Existing subsection 3044(g)(4)(G) is relocated to new subsection 3190(i)(3) and amended.**

(h) Privilege Group U:

**Subsection 3044(h)(1) through (h)(3)(E) is unchanged.**

**Existing subsection 3044(h)(3)(F) is deleted.**

~~(F) No special canteen purchases.~~

**Existing subsection 3044(h)(3)(G) is renumbered to (F) and amended to read:**

~~(F)~~ (F) No ~~special~~ personal property packages.

**Subsection 3044 (i) is unchanged.**

NOTE: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2933.3, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal.App.3d 1224 (1988).

**Existing Section 3092 is relocated to Subchapter 2, Article 9, and renumbered to subsections 3190(h) and (p), respectively.**

**Section 3100 is amended to read:**



**3100. Handicraft Program Participation.**

**Subsections 3100(a) through (g) are unchanged.**

**Subsection 3100 (h) is amended to read:**

(h) Handicraft projects, ~~and~~ tools, and materials within a designated handicraft area, shall be controlled by staff and may be stored in a designated secured storage area of the facility, dependant upon space availability at the institution/facility.

**Subsections 3100(i) through (j) are unchanged.**

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2079, 2600, 2601, 5006 and 5054, Penal Code.

**Section 3101 is amended to read:**

**3101. Volume.**

~~An individual inmate's assigned to handicraft programs may possess handicraft articles and materials in their quarters/living area. Any authorized handicraft items in excess of must not exceed the amount that can be stored in two footlockers, totaling nine six cubic feet of space shall be confiscated and disposed of in accordance with Section 3191(c). Lesser but reasonable total volume limits may be set by the warden or superintendent, with the director's approval, when the institution's inmate quarters or other storage areas will not accommodate the maximum volume permitted by this section.~~

~~Comment: Former DP-2202, volume limitations.~~

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

**Section 3107 is amended to read:**

**3107. ~~Giving~~ Donating Items to ~~Other Inmates~~ the Institution.**

Inmates may ~~give,~~ donate ~~or loan~~ handicraft items, articles, tools, and materials to the institution for use by other inmates who are properly enrolled in approved handicraft programs. Such donations shall be recorded by the institution's supervisor of handicraft programs. ~~with the~~



~~prior permission and recording of transactions by the institution's designated supervisor of the handieraft program.~~

~~Comment: Former DR-2202, providing handieraft items.~~

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

**Section 3138 is amended to read.**

**3138. General Mail Regulations.**

**Subsections 3138(a) through (c) are unchanged.**

**Subsection 3138(d)(1) is amended to read:**

(d) Packages.

(1) Facilities will ~~establish and~~ make available to all inmates procedures for the receipt of packages from their correspondents via departmentally-approved vendors in accordance with limits set for their assigned inmate work/training incentive group. ~~Such procedures may require an inmate to obtain prior approval to receive a package. Facilities may refuse to accept packages addressed to an inmate if prior approval has not been obtained, or if a package is received at a facility, the A~~ facility may refuse to deliver the package ~~if to the inmate~~ is not qualified to receive the package, and dispose of the package as provided in subsection 3147(a)(6~~5~~) without the need to hold the package pending appeal as provided in subsection 3147(a)(5)(B). If the package is in excess of the 30-pound limit, or is damaged, the package shall be returned to the vendor at the vendor's expense.

**Subsections 3138(d)(2) through (g) are unchanged.**

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601, 4570, and 5054 Penal Code; *Procunier v. Martinez*; (1974) 416 U.S. 396; and *Bell v. Wolffish*; (1979) 99 S. Ct 1861.

**Section 3161 is amended to read:**

**3161. Inmate-Owned Legal Materials.**

Inmate-owned legal materials/documents, law books and papers shall be limited to the availability of space authorized by section 3190(b) for personal property in the inmate's quarters/living area except as specified in this section. Inmates may possess up to one cubic foot of



legal materials/documents related to their active cases, in excess of the six cubic feet of allowable property in their assigned quarters/living area. Legal materials/documents, law Bbooks and papers in excess of this limitation may be donated to the library, or shall be disposed of pursuant to section 3191(c), whichever the inmate prefers. Inmates may request the institution/facility store excess legal materials/documents related to their active case(s) when such materials/documents exceed this one cubic foot additional allowance. Inmate-owned law books in excess of the additional allowance shall not be stored by the institution/facility.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

**Section 3190 is amended to read:**

**3190. General Policy.**

**Subsection 3190(a) is amended to read:**

(a) ~~Wardens and superintendents shall establish a list of personal property items and the maximum amount of such items an inmate may have in his or her possession within the institution. Institutions shall permit i~~Inmates shall be permitted to possess in their living quarters/living area, ~~in addition to state-issued property items issued to an inmate, and authorized~~ personal property items based upon privileges in section 3044 and/or assigned security level and/or institution mission, and subject to disciplinary provisions in sections 3314 and 3315 that present no threat to institution security or the safety of persons.

**Subsection 3190(b) initial sentence is amended to read:**

(b) The combined volume of state-issued and allowable personal property items shall not exceed six cubic feet, except as specifically allowed in these regulations.

**Existing secondary sentence of subsection 3190(b) is relocated to new subsection 3190(i) and amended.**

**Subsection 3190(c) is amended to read:**

(c) ~~All institutions housing male inmates shall provide all other institutions and the director with no less than two copies of the institution's current list of allowable inmate personal property. Upon an~~



inmate's transfer between institutions of the department, the sending institution shall ~~administer~~ inventory the inmate's property and, pursuant to section 3191 ensure the proper disposition of property not allowed at the receiving institution as a result of privilege group, and/or security level, and/or institution mission changes.

**New subsections 3190(d) through (g) are adopted to read:**

(d) Inmates may acquire authorized personal property packages based upon their privilege group, pursuant to section 3044. Personal property packages shall be ordered by inmates or their correspondents via a departmentally-approved vendor. All packages shall be shipped to the inmate's institution/facility by the departmentally-approved vendor in a sealed container.

(e) Inmates may possess allowable food and personal care/hygiene items in their quarters/living areas, subject to section 3190(a), unless otherwise prohibited by these regulations. The total volume of canteen merchandise retained in possession of an inmate shall be pursuant to section 3094. Inmates shall be required to maintain their purchase receipt to verify purchases until such items are expended.

(f) Inmates shall be restricted to only clear (see-through) personal care/hygiene items encased in clear containers or tubing based upon industry availability. An exemption shall be authorized by the institution's health care manager or chief medical officer when an exemption to the clear item and/or clear case requirement is deemed medically necessary by a physician. Such exemption shall not exceed one (1) year. If the condition persists, the inmate shall submit another exemption request.

(g) Inmates shall only be permitted to possess state-issued clothing and authorized personal clothing subject to section 3190(a).

**New subsection 3190(h) is relocated from existing subsection 3092(a), renumbered and amended to read:**

**~~3092. Special Inmate Canteen Purchases.~~**

~~(ha) Facilities~~ Inmates shall be allowed ~~establish procedures for inmate special purchases of approved~~ authorized personal property items from departmentally-approved vendors ~~not stocked in~~



~~the canteen.~~ The ~~canteen manager~~ institution head or designated staff shall ensure approved vendor catalogs and order forms are available to inmates ~~in~~ who ~~qualifying privilege groups.~~ Special purchases shall only include the following:

(1) Health Care Appliances, subject to prescription by health care staff and approval by designated custody staff, shall be excluded from the six cubic foot limitation of section 3190(b).

(2) Legal Material, including legal reference material, books, and legal pads not available in the institution canteen, pursuant to section 3161.

(3) Correspondence Courses, subject to approval by supervisor of correctional education programs and designated custody staff.

(4) Religious Items, subject to approval by institutional chaplain and designated custody staff.

(5) Handicraft Material, subject to approval by handicraft manager and designated custody staff.

(6) Entertainment Appliances and Musical Instruments, subject to qualifying privilege group and/or security level/institution mission.

(7) Books and subscriptions to periodicals, subject to section 3006.

**New subsection 3190(i) is relocated from existing secondary sentence in subsection 3190(b) and amended to read:**

(i) Inmates may be allowed to possess appliances and ~~In addition, institutions may allow any two of the following items: One television receiver, one musical instrument, one radio, one recorded tape/disk playback unit, one typewriter.~~ as follows:

(1) Inmates assigned to Privilege Groups A or B may possess up to two approved appliances in their quarters/living area and shall not exceed the six cubic feet maximum limitation. One musical instrument with case not exceeding 46" x 24" x 12" may be substituted as one of the two appliances.

(2) Inmates assigned to Privilege Group C may not possess entertainment appliances and/or a musical instrument. Inmates placed on Privilege Group C pursuant to a classification committee



action, shall be required to dispose of the entertainment appliance(s) and/or musical instrument in accordance with section 3191(c).

**New subsection 3190(i)(3) is relocated from existing subsection 3044(g)(4)(G) and is amended to read:**

(3) Inmates assigned to Security Housing Unit/Psychiatric Services Unit (SHU/PSU) may possess or acquire ~~One special canteen purchase of one~~ television or one radio or one television/radio/~~TV~~ combination unit. Inmates assigned to Privilege Group D shall not possess a musical instrument.

**New subsections 3190(i)(4) through 3190(o) are adopted to read:**

(4) Inmates assigned to Privilege Group U shall not possess any appliances or musical instruments.

(5) Inmates housed at conservation camps shall not possess a television or television/radio combination.

(j) All appliances shall be sealed by staff by covering exterior pieces of the appliance that may be used to access the interior of the appliance with hotglue.

(k) Inmates who break or tamper with the seal of an appliance(s) may be subject to disciplinary action and confiscation of the item.

(l) Inmates ordering new or replacement appliances shall be required to purchase clear-case appliances, as they become available.

(m) Inmate correspondents shall be permitted to purchase appliances for qualifying inmates, including health care and entertainment appliances and/or musical instruments from a departmentally-approved vendor, pursuant to section 3044.

(n) In addition to the six cubic feet limitation of authorized property, inmates who participate in institution academic or vocational educational programs shall be allowed to possess, in their quarters/living area, state provided textbooks/materials necessary to complete their education requirements. In accordance with section 3011, inmates who do not return state textbooks in



serviceable condition, may be charged a replacement fee, as determined by the supervisor of correctional education programs.

(o) Inmates may acquire and possess correspondence course materials, including textbooks, in their quarters/living area as approved by the supervisor of correctional education programs and designated custody staff pursuant to limitations in section 3190(b). Correspondence courses requiring tools, construction kits, or other materials that may pose a threat to the institution's security or the safety of persons shall not be allowed.

**New subsection 3190(p) is relocated from existing Section 3092(b), renumbered and amended to read:**

(pb) The amount charged an inmate for a special purchase or personal property package shall include normal taxes and a 10% service charge based upon the purchase price. Service charges shall be deposited in the inmate welfare fund. Exception: The 10% service charge shall not be added to purchases of ~~medical~~ health care appliances, correspondence courses, nonfiction books, religious items, and legal materials.

**New subsections 3190(q) through 3190(s) are adopted to read:**

(q) Inmates shall not possess any membership cards, identification cards, or service-type cards other than those issued by the department.

(r) All allowable inmate property shall be inventoried, documented, and stored for inmates transferred Out-to-Medical or Out-to-Court, or placed in segregated housing, a Correctional Treatment Center, or an Outpatient Housing Unit, until the inmate returns.

(s) Privilege Group A or B inmates placed in administrative segregation (AD SEG) shall have their property inventoried and stored pending the outcome of AD SEG placement. If the inmate is released to general population and maintains their Privilege Group A or B assignment, all allowable property shall be returned. If the inmate receives a SHU term, the inmate shall be required to dispose of unallowable property due to privilege group and/or security level and/or institution mission change in accordance with section 3191(c).



NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601(c)(2), 5006 and 5054, Penal Code; ~~and~~ *In re Alcala*, Marin County Superior Court, No. 117925, December 20, 1984 ~~and~~ *Armstrong v. Davis Court Ordered Remedial Plan, Amended January 3, 2001, In re Armstrong*, N.D. Cal, No. C 94-02307, March 20, 1998.

**The heading of Section 3191 is amended to read:**

**3191. ~~Nonexpendable~~ Property Registration and Disposition.**

**Subsections 3191(a) through (c)(1) are amended to read:**

(a) ~~Nonexpendable~~ Registerable personal property ~~is designated in department guidelines. When designated items are included in an institution's approved listing of inmate personal property, as provided in section 3190, such items~~ must be registered ~~in~~ under the inmate's name and number in the institution's inmate property records.

(b) Inmates are required upon request by institution staff to properly account for all ~~nonexpendable~~ registerable personal property registered in their name and number. An inmate's failure to possess or properly account for personal property registered in the inmate's name and number, or possession of ~~nonexpendable~~ property which is not registered in the inmate's name and number will be cause for disciplinary action, including confiscation of the unregistered property. In all instances of confiscation, every reasonable effort will be made to determine the rightful owner of the property. The property will be returned to its rightful owner unless, as the result of disciplinary action for misuse of property, the inmate's approval to possess the property is rescinded.

(c) Inmate personal property not meeting the criteria in section 3190, shall be disposed of in accordance with this section. An inmate shall ~~be permitted to~~ select one of the methods listed below for disposing of personal property which is unauthorized pursuant to subsection (b) and sections 3006 and 3190~~(e)~~. If the inmate makes no selection or has insufficient funds, staff shall document that fact and determine the method of disposition.

(1) ~~Send~~ Mail the item to an address of an individual willing to accept the personal property, provided by the inmate, via USPS or common carrier home at the inmate's expense. This option is not available for inmates with insufficient trust account funds.



**New subsection 3191(c)(2) is adopted to read:**

(2) Return the item to the sender via USPS or common carrier at the inmate's expense. This option is not available for inmates with insufficient trust account funds.

**Existing subsection 3191(c)(2) and (c)(3) are renumbered to 3191(c)(3) and (c)(4), respectively, and amended to read:**

(32) Donate the item to a charitable organization as designated by the institution/facility.

(43) Donate the item to the institution/facility.

**New subsections 3191(c)(5) through 3191(d) are adopted to read:**

(5) Render the item useless and dispose of it according to institution/facility procedures.

(d) Inmates shall not send personal property to any state agency or agent of the state. Failure to comply may result in disciplinary action, and confiscation and/or disposal of the property.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

**Section 3192 is amended to read:**

**3192. Possession and Exchange.**

An inmate's right to inherit, own, sell or convey real and/or personal property does not include the right to possess such property within the institutions/facilities of the department. An inmate may not exchange, borrow, loan, give away or convey personal property to or from other inmates. ~~otherwise dispose of such personal property as is permitted in institutions, except at the time of the inmate's release to parole or discharge, or transfer to another institution, as provided in institution procedures for doing so. Any exceptions must be authorized by the warden or superintendent.~~ Violation(s) of this rule may result in disciplinary action, and confiscation and/or disposal of the personal property.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

**Section 3193 is amended to read:**

**3193. Liability.**



**Subsection 3193(a) is unchanged.**

**Subsection 3193(b) is amended to read:**

(b) The department ~~shall~~ ~~does~~ accept liability for the loss or destruction of inmate personal property when it is established that such loss or destruction results from employee ~~negligence~~ action. Inmates shall utilize the inmate appeal process if unable to resolve a personal property claim pursuant to section 3084.1. Upon acceptance of liability, the department shall provide similar items of equal or greater value to the inmate when such items are available via donated property items consistent with sections 3084.7(e) and 3191(c). If donated items are not available, monetary ~~€~~compensation to the inmate for such loss ~~will~~ shall not exceed either the dollar value assigned to the item or items at the time the inmate received authorization to possess the property; the cost of the item, verified by receipt; or the replacement value for the item or a similar item, as determined by the department. Staff recommendations to the ~~State Board of Control~~ Victim Compensation and Government Claims Board regarding monetary reimbursement will be made accordingly.

**New subsection 3193(c) is adopted to read:**

(c) The department shall not assume responsibility for property abandoned by an escapee until such time as the escape is discovered and the property is inventoried. Inventoried property shall be stored and final disposition of the property shall be pursuant to Penal Code 5062 and 5063.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2085, 2600, 2601, 5062 and 5063 Penal Code.

**New Section 3194 is adopted to read:**

**3194. Extradition Inmate Property.**

(a) Inmates or parolees requiring extradition transport from any state or territory of the United States are personally responsible for the disposition of their personal property. Inmates shall arrange with the holding agency for the disposal or storage or mailing of personal property prior to being transported by California state agents. State agents shall not be responsible for personal property remaining at the sending agency/institution. At no time shall inmate personal property be



checked onto airplanes or transported in the aircraft's baggage compartment. The only exception shall be wheelchairs or other health care appliances.

(b) Inmates extradited to the custody of the department shall not retain any property on their person except prescribed eyeglasses or health care appliances. Only authorized property that can fit into a 10" x 12" clasp envelope, including, but not limited to prescription medication, jewelry, wallet, watch, family pictures, or printed material, shall be allowed to be transported. Inmate property shall be inventoried, recorded, and secured in the agent's carry-on baggage or secured compartment in a transportation vehicle. Inmates may wear his/her own clothing and shoes if deemed appropriate for transport purposes by the assigned state agents.

(c) Inmates extradited or transferred from the department to other jurisdictions, states or territories of the United States may be allowed to retain all or a portion of their property as determined by the transporting extradition agent. In cases where the transportation of personal property is not permitted, inmates shall dispose of the property pursuant to subsection 3191(c)(3) through (5) or be provided the opportunity to select from the following options for the disposition of property:

(1) Inmates permanently transferring to the custody of another agency shall be provided the opportunity to send all property to an address of their choosing via USPS or common carrier at the inmate's expense.

(2) Indigent inmates permanently transferring to the custody of another agency may send their personal property to an individual willing to accept the personal property at the expense of the department.

(3) Inmates temporarily transferring out-to-court or other temporary transfers out-of-state shall have property stored at the institution/facility pending their return to custody, parole or discharge. Disposition of unclaimed property shall be in accordance with PC 5062, 5063 and 5064.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054, 5062, 5063 and 5064.

**New Section 3195 is adopted to read:**

**3195. Release Clothing.**



Inmates scheduled for parole or awaiting discharge may receive a release clothing package via U.S. Postal Service or common carrier no earlier than 30 days prior to their scheduled parole or discharge date. Inmate release clothing packages, limited to one set of clothing, shall be retained in a secure location by the department until their release.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054.